

Meeting Notes for EPA Meeting with Low Level Radioactive Waste Disposal Facilities

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Industry Participants:

Barry Bede	USEcology
H. Anthony Bread, Jr.	Envirocare of Utah
William House	Chem-Nuclear
Al Rafati	Envirocare of Utah
Ed Skernolis	Waste Management

The following participants are from EPA Office of Solid Waste:

David Bartenfelder
Nancy Hunt
Rajani Joglekar
John Michaud
Grace Ordaz
Chris Rhyne
Robert Tonetti

What was the purpose of the meeting?

We wanted to find out whether the low level radioactive waste disposal facilities (LLRWDF) would be interested in accepting mixed waste after conditionally exempted from RCRA Subtitle C regulations. We are interested in their view because the mixed waste that would be conditionally exempted from RCRA would have to be disposed in a LLRWDF licensed by the Nuclear Regulatory Commission (NRC) or the States that are authorized to implement NRC's program (Agreement States).

Which LLRWDFs did we meet with?

We invited all companies that operate existing LLRWDF licensed by NRC or its Agreement States. We also invited companies or agencies that are in the process of siting a LLRWDF. These facilities included Envirocare, US Ecology, Waste Management, Chem-Nuclear, and Texas Radiation Waste Authority. All of the facilities accepted the invitation. However, Texas Radiation Waste authority was not able to come to the meeting at the last minute.

What was discussed?

The following topics were discussed:

1. Background and reason for the Mixed Waste Proposal.
2. Approach to establishing disposal exemption criteria.
3. Current US mixed waste generation and inventory. The LLRWDFs were interested in the size of the potential market.
4. The States' perspective of this proposal. We informed the LLRWDFs that the States are concerned about inaccurate or fraudulent claim of the exemption and possible subsequent mis-management of the waste. We told the LLRWDFs that the States have strong interest in being able to take enforcement actions against waste generators who mis-claim or mis-manage mixed waste.
5. The concept of conditional exemption. We discussed that legally the exempted waste would become hazardous waste if any of the conditions under the exemption were violated. As a result, RCRA enforcement actions could be taken.
6. Some examples of the conditions under consideration that have to be met in order for the exemption to be effective. This is because the LLRWDFs were interested in knowing potential RCRA liabilities.
7. RCRA Subtitle C conditional exemption for mixed waste storage, and the status of the Mixed Waste Storage Enforcement Policy.

What information was obtained from the LLRWDFs?

The LLRWDFs expressed the following thoughts:

1. They indicated that they would not be interested in receiving the conditionally exempted waste if there are too many requirements imposed by EPA or the states on the exempted waste as these requirements may make disposal not profitable for them.
2. They expressed concerns about potential legal and environmental liabilities for chemical constituents. They indicated that it is the waste generator's responsibility to ensure that all the conditions are met. They however indicated that they would probably require mandatory testing of the incoming waste to protect their workers and site and prevent liability problems.
3. We asked the LLRWDFs if they would be interested in the approach where they would conduct site specific risk assessments to arrive at site specific exit levels. The LLRWDFs indicated that they would not.
4. They expressed concern about the potential for changing EPA exemption levels. For example, if chemical exit levels were established and then later changed, disposal facilities would be held liable for what was disposed under the previous exit levels.
5. They thought the waste volume projected by the Edison Electric Institute was high. They also believe a lot of the wastes are treatable. They felt the extension of the mixed waste storage enforcement policy will encourage waste to be stored instead of treated and disposed.